

SO ORDERED.



1 **TIFFANY & BOSCO**
2 P.A.

Dated: May 07, 2010

2 **2525 EAST CAMELBACK ROAD**
3 **SUITE 300**
4 **PHOENIX, ARIZONA 85016**
5 **TELEPHONE: (602) 255-6000**
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REDFIELD T. BAUM, SR
U.S. Bankruptcy Judge

Mark S. Bosco
State Bar No. 010167
Leonard J. McDonald
State Bar No. 014228
Attorneys for Movant

09-03023

10 **IN THE UNITED STATES BANKRUPTCY COURT**
11 **FOR THE DISTRICT OF ARIZONA**

12 **IN RE:**

No. 2:09-BK-32000-RTBP

13 Carl Richard Smith and Christine Elizabeth Smith
14 Debtors.

Chapter 13

15 Wells Fargo Bank, NA dba Americas Servicing
16 Company

ORDER

(Related to Docket #17)

17 Movant,

18 vs.

19 Carl Richard Smith and Christine Elizabeth Smith,
20 Debtors, Edward J. Maney, Trustee.

21 Respondents.

22
23 Movant's Motion for Relief from the Automatic Stay and Notice along with the form of proposed
24 Order Lifting Stay, having been duly served upon Respondents, Respondents' counsel and Trustee, if any,
25 and no objection having been received, and good cause appearing therefore,

26 IT IS HEREBY ORDERED that all stays and injunctions, including the automatic stays imposed

1 by U.S. Bankruptcy Code 362(a) are hereby vacated as to Movant with respect to that certain real
2 property which is the subject of a Deed of Trust dated January 11, 2006 and recorded in the office of the
3 Yavapai County Recorder wherein Wells Fargo Bank, NA dba Americas Servicing Company is the
4 current beneficiary and Carl Richard Smith and Christine Elizabeth Smith have an interest in, further
5 described as:

6 Lot 1163, PRESCOTT VALLEY UNIT 20, according to the Plat of Record in the office of the
7 Yavapai County Recorder in Book 15 of Maps, Pages 63-66.

8 EXCEPT all oil, gas, minerals and petroleum.

9 IT IS FURTHER ORDERED that Movant may contact the Debtor by telephone or written
10 correspondence regarding a potential Forbearance Agreement, Loan Modification, Refinance
11 Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement
12 with Debtors. However, Movant may not enforce, or threaten to enforce, any personal liability against
13 Debtors if Debtors' personal liability is discharged in this bankruptcy case.

14 IT IS FURTHER ORDERED that this Order shall remain in effect in any bankruptcy chapter
15 to which the Debtor may convert.